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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,013	03/10/2004	Takeshi Tajima	04329.3267-00000	2659

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EXAMINER

SCHMIDT, KARI L

ART UNIT	PAPER NUMBER
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2139

MAIL DATE	DELIVERY MODE
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07/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/796,013	Applicant(s) TAJIMA, TAKESHI	
	Examiner Kari L. Schmidt	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :5/10/2005,3/10/2004,7/23/2004,8/19/2005.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements filed August 19, 2005, May 10, 2005 and March 10, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy et al. (US 2004/0002923 A1).

Claim 1

Ramaswamy teaches a network access control method comprising: setting certificate information for each of user terminals, the certificate information including a user identification and access right information indicating a limited access right to a network;

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determining whether the user terminal is authenticated based on a user identification; and controlling access to the network in accordance with the certificate information when the user terminal is authenticated (see at least, [0014-0021]: [0012]: "enables at least one user to securely access either a private data network or public... employ wired or wireless communication appliances" and [0014]: user seeking to access one of the networks so by first establishing a billing relationship with the operator of the LAN (Billing agent [0016]: "WSR (WLAN surcharge rate) represents the rate, either on per minute or per data amount bases that the user and hence, the rate of reimbursement expected from billing agent." [0021]: "usage either in terms of time spent or data volume send...[0008-0009]: "completion of access by the user, the LAN accumulates the access charges for receipt by the Billing Agent, which debits the user's account accordingly..").

Claim 2

Ramaswamy teaches the method according to claim 1, wherein the access right information indicates the access right based on a prepaid amount (see at least, [0006], [0014]: "pre-paid account or a credit card to provide payment..").

Claim 3

Ramaswamy teaches the method according to claim 2, wherein the access right information indicates an expiration date based on the prepaid amount, and the controlling permits access when an access date does not reach the expiration date (see at least, [0016]: "WSR (WLAN surcharge rate) represents the rate, either on per minute

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or per data amount bases that the user and hence, the rate of reimbursement expected from billing agent." [0021]: "usage either in terms of time spent or data volume send...[0008-0009]: "completion of access by the user, the LAN accumulates the access charges for receipt by the Billing Agent, which debits the user's account accordingly..").

Claim 4

Ramaswamy teaches the method according to claim 2, wherein the access right information indicates an accessible time period based on the prepaid amount, and the controlling permits access when a remaining accessible time period exist (see at least, [0018], [0021]: " usage by terms of time spent").

Claim 5

Ramaswamy teaches the method according to claim 2, wherein the access right information indicates an accessible data size based on the prepaid amount, and the controlling permits access when a remaining accessible data size exist (see at least, [0016]: "WSR (WLAN surcharge rate) represents the rate, either on per minute or per data amount bases that the user and hence, the rate of reimbursement expected from billing agent." [0021]: "usage either in terms of time spent or data volume send...[0008-0009]: "completion of access by the user, the LAN accumulates the access charges for receipt by the Billing Agent, which debits the user's account accordingly..")

Claim 6

Ramaswamy teaches the method according to claim 1, wherein the setting writes the certificate information into a storage medium (see at least Figure 2 and [0017-0018]: "forward certificate to User (laptop)").

Claim 7

Ramaswamy teaches the method according to claim 1, wherein the setting writes the certificate information into a storage medium included in the user terminal (see at least Figure 2: "forward certificate to User (laptop)").

Claim 8

Ramaswamy teaches the method according to claim 1, wherein the controlling wirelessly connects the user terminal with a network access point (see at least, [0012]: "enables at least one user to securely access either a private data network or public... employ wired or wireless communication appliances" and [0014]: user seeking to access one of the networks so by first establishing a billing relationship with the operator of the LAN (Billing agent)").

Claim 9

Ramaswamy teaches the method according to claim 2, wherein, when no access is permitted, the controlling notifies no permission to the user terminal (see at least, [0014], [0014]: "assuming successful authentication, the operator of the WLAN afford

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the user access to enable the user to establish a link with one of the networks... if no successful no access").

Claim 10

Ramaswamy teaches the method according to claim 1, wherein the setting allows a transaction in cash or by credit card (see at least, [0006], [0014]: "user needs to provide a PIN that identifies the pre-paid account or a credit card account number to provide payment for access fees").

Claims 11-19

The apparatus and method claims are one of the same therefore rejected for the same reason as the method claims above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kontio et al. (US 2005/004875 A1) teaches digital rights management in a mobile communications environment.

Schneck et al. (US 2001/0021296 A1) teaches system for controlling access and distribution of digital property.

Vaeth et al. (US 6, 035, 402) teaches virtual certificate authority.

Abdelaziz et al. (US 7,197,565 B2) teaches system and method of using a pipe advertisement for a peer-to-peer network entity in peer-to-peer presence detection.

Outten et al. (US 7,024,466 B2) teaches network configured for delivery of content for download to a recipient.

Lee et al. (US 6,003,014) teaches method and apparatus for acquiring access using a smart card.

Pabla et al. (US 2004/0064693 A1) teaches distributed indexing of identity information in a peer-to-peer network.

Ananda (US 6,671,813 B2) teaches secure on-line pc postage metering system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kari L. Schmidt whose telephone number is 571-270-1385. The examiner can normally be reached on Monday - Friday: 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS


TAGHI ARANI
PRIMARY EXAMINER
6/22/07